

PATENT

Docket NCR-8778

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant:  
M. R. BauerApplication No.: 09/556,647  
Confirmation No: 7493

Filed: 04/24/2000

Title: Material Browser

Art Unit: 3627

Examiner: Fischer, A.

GROUP 3600

SEP 18 2002

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**DEFECTIVE OFFICE ACTION**Box Non-Fee Amendment  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

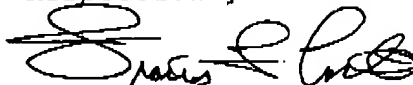
In the office action dated as mailed on 08/02/02 the examiner in para. 1 has refused to consider the IDS filed 08/14/2000 citing Rule 98.

However, the citation of the listed co-pending patent application complies fully with Rule 98(b)(3), which does not require "date and place of publication" as the examiner erroneously contends.

Accordingly, applicant hereby requests that the IDS now be considered fully by the examiner, and that the office action be re-started under MPEP 710.06 for defective office actions.

MPEP sections 707.07; 707.05(g); 707.05(b); and 707.07(g) also apply to prevent piecemeal examination and protracted prosecution.

Respectfully submitted,

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Fax: 781-592-4618**CERTIFICATE OF TRANSMISSION (37 CFR 1.8a and MPEP 512)**

I hereby certify that this 1-PAGE correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at Fax No. 703-746-5588 on the transmission date indicated below.

FRANCIS L. CONTE  
(Name of person transmitting paper)  
(Signature of person transmitting paper)4 Sep 2002  
(Transmission date)